

REMARKS

In the Office Action, the Examiner noted that claims 1-17 are pending in the application and claims 1-4, 7, 9, 13, 14, and 16 are rejected. By this amendment, claims 1, 4, and 16 have been amended. The Examiner's rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 102(b)

Claims 1-4, 7, 9, 13, 14, and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,244,764 to Lei et al. (hereinafter, "Lei").

Lei teaches a verification method to determine the quality of a data matrix symbol marking on the surface of an object. The verification method of Lei requires first a decoding step (see Lei, Figure 9, step 1), since a data matrix symbol that cannot be decoded is inherently of poor quality. Subsequent to any morphological operations, Lei does not attempt subsequent decodes of the image of the symbol, but instead, Lei computes the size and offset of features of the symbol.

Regarding claim 1, Applicants have amended the evaluating step to specifically recite a decoding operation. The step of evaluating the first and second filtered images, as claimed by Applicants, is performed by decoding the filtered images. A successful decode of the filtered image is the evaluation of the filtered image.

Applicants respectfully assert that the step of evaluating the first and second filtered image by decoding is not disclosed by Lei. In fact, Lei does not teach or suggest a decoding step, since in its verification method, the symbol has already been decoded.

Accordingly, claim 1 is not anticipated, since each and every element set forth in claim 1 is not found in the Lei reference. Applicants believe claim 1 is therefore allowable.

Applicants submit an amendment to claim 4, consistent with the amendment to claim 1, where the evaluating step specifically recites a decoding step. For reasons analogous to those argued above with reference to claim 1, Applicants respectfully assert that claim 4 is now in a condition for allowance.

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Regarding claims 2, 3, 7, and 9, Applicants believe these claims are allowable, at least because they depend from claim 1 or 4. For reasons analogous to those argued above, the recitation of a decoding step in the base claim is not anticipated by Lei.

Regarding claims 13, and 14, Applicants maintain their position that these claims are not anticipated by Lei. For reasons analogous to those argued above for claim 1, Lei does not teach or suggest a step of decoding image information as claimed by Applicants. The step of evaluating in claim 13 (and the claims that depend from 13) is merely an extension of the step of decoding, by *evaluating* whether the *decoding* step produced a valid result.

Regarding claim 16, Applicant submits an amendment consistent with the amendment to claim 1, where the evaluating step specifically recites a decoding step. For reasons analogous to those argued above with reference to claim 1, Applicants respectfully assert that claim 16 is now in a condition for allowance.

OBJECTION TO CLAIMS

The Examiner objects to claims 5, 6, 8, 10-12, 15, and 17 as being dependent upon a rejected base claim. In view of the above amendment and remarks, the Applicants respectfully assert that these claims now depend from allowable claims, and are therefore allowable in the present form.

CONCLUSION

In view of the above remarks, Applicant respectfully requests withdrawal of all rejections and allowance of the claims pending in the application. The Examiner is invited to telephone the undersigned Applicant's Attorney to facilitate advancement of the present Application.

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Respectfully submitted,



Arthur J. O'Dea
Registration Number 42,952
Patent Attorney
Cognex Corporation
One Vision Drive
Natick, MA 01760
(508) 650-3108

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